

## REMARKS/ARGUMENTS

1. Claims 1-17, 19, 20, 22, 23, and 25-29 were pending in this application. Claims 1, 22, 23, 25, and 29 have been amended. No claims have been cancelled, and no new claims have been added. Therefore, claims 1-17, 19, 20, 22, 23, and 25-29 are pending in this application.

2. The Examiner rejected claims 1, 3, 5-13, 16, 17, 19, 22, 23, and 25-29 under 35 U.S.C. 102(e) as being anticipated by Puram et al., U.S. Patent No. 6,289,340 B1 (hereinafter Puram). The Examiner also rejected claims 2, 4, 14, 15, and 20 under 35 U.S.C. 103(a) as being unpatentable over Puram and CareerMosaic.

Applicant has amended independent claims 1, 22, 23, 25, and 29. In amended claims 1, 22, 23, 25, and 29, responses to a set of forced choice questions are obtained from each party/counterparty or party/counterparty co-evaluator. The set of forced choice questions are designed to permit analysis of the responses so as to reveal underlying party/counterparty preferences. For each party and counterparty, a preference profile is derived from the responses through analysis (e.g., conjoint analysis) of the responses. The preference profiles of the various parties and counterparties are then analyzed to determine parties and counterparties whose preferences are closely matched.

Claim 1 is a representative claim. Claim 1 includes elements of (a) obtaining for each of the parties ... responses ... to a first set of forced choice questions designed to permit analysis of the responses so as to reveal underlying party preferences ...; (b) obtaining for each of the counterparties ... responses ... to a second set of forced choice questions designed to permit analysis of the responses so as to reveal underlying counterparty preferences ...; (c) deriving ... from the responses to the first set of questions for each such party, a first preference profile for each such party through analysis of the responses; (d) deriving ... from the responses to the second set of questions for each such counterparty, a second preference profile for each such counterparty through

analysis of the responses; (e) for each party, analyzing ... the preference profile of such party in relation to the preference profiles of the counterparties to derive a first list of counterparties for which the preferences of the party closely match the preferences of the counterparty and the preferences of the counterparty closely match the preferences of the party and communicating the first list to such party. Claims 22, 23, 25, and 29 include similar elements.

Among other things, the design of the forced choice questions and the analysis of the responses permits discovery of underlying preferences that are hidden and sometimes not consciously evident even to the respondent. Thus, for example, the respondent may not be asked to directly state a preference but instead may be asked a number of questions that can be analyzed to derive a preference. The preferences so derived are less likely to be skewed by perceptions of the respondent or an attempt by the respondent to deceive.

Applicants respectfully submit that neither Puram nor Career Mosaic, alone or in combination, teach or otherwise suggest the elements of the present invention as claimed. In Puram, candidates score themselves in various skill categories (see Puram, col. 2, lines 50-53), and may provide various types of preference data (see Puram, col. 5, lines 35-42). An employer provides a maximum score and priority for each skill category (see Puram, col. 5, lines 60-65), and may be prompted for additional information (see Puram, col. 6, lines 16-31). To the extent questions are presented to the candidates and to the employer in Puram, there is no indication in Puram that the questions are forced choice questions designed to permit analysis of the responses so as to reveal underlying preferences of either the candidate or the employer, as in the present invention as claimed. Rather, the questions appear to be designed merely to solicit the perceived preferences of the candidates and the employer. Detailed profiles of the candidates and the positions to be filled are developed based on the information provided by the employer, the candidates, and/or third parties. There is no indication that these profiles are derived from the responses through analysis of the responses, as in the present invention as claimed, and, in fact, the

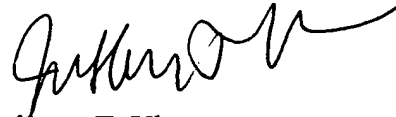
use of analysis does not appear to be necessary in the context of Puram because actual preference values are provided by the employer, the candidates, and/or various third parties. Thus, Applicant respectfully submits that Puram neither teaches nor suggests the elements of the present invention as claimed.

CareerMosaic describes an employment web site. Among other things, CareerMosaic allows an employer to post a profile of the employer and of job openings. CareerMosaic does not teach or otherwise suggest the elements of obtaining responses to a set of forced choice questions designed to permit analysis of the responses so as to reveal underlying preferences and deriving a preference profile from the responses through analysis of the responses, as in the present invention as claimed. Applicants respectfully submit that a combination of Puram and CareerMosaic, to the extent possible, does not teach or otherwise suggest the use of forced choice questions designed to permit analysis of the responses and the use of analysis of the responses to derive preference profiles from the responses, as in the present invention as claimed.

Thus, applicant respectfully submits that the independent claims are patentable over Puram alone and in combination with CareerMosaic. Because a dependent claim is deemed to include all of the limitations of its base claim and any intervening claim, application respectfully submits that all dependent claims are also patentable of Puram alone and in combination with CareerMosaic.

3. Claims 1-17, 19, 20, 22, 23, and 25-29 are pending in this application. All pending claims are believed to be in a form suitable for allowance. Therefore, the application is believed to be in a condition for allowance. The Applicant respectfully requests early allowance of the application. The Applicant requests that the Examiner contact the undersigned, Jeffrey T. Klayman, if it will assist further examination of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jeffrey T. Klayman', with a stylized flourish at the end.

Jeffrey. T. Klayman  
Attorney for Applicant  
Registration No. 39,250

BROMBERG & SUNSTEIN LLP  
125 Summer Street  
Boston, MA 02110-1618  
(617) 443-9292

278700